

FORM PTO-1390U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  
(REV. 5-93)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

3477-89

# 3

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

09/674,237

INTERNATIONAL APPLICATION NO.

PCT/CA99/00375

INTERNATIONAL FILING DATE

27 April 1999

PRIORITY DATE CLAIMED

27 April 1998

TITLE OF INVENTION

*ESE GENES AND PROTEINS*

APPLICANT(S) FOR DO/EO/US

Sean E. EGAN; Wei WANG; Ameet SENGAR

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. [...] This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. [X] This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. [ ] This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. [ ] A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. [ ] A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. [ ] is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. [ ] has been transmitted by the International Bureau.
  - c. [ ] is not required, as the application was filed in the United States Receiving Office (RO/US).
6. [ ] A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. [ ] Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. [ ] are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. [ ] have been transmitted by the International Bureau.
  - c. [ ] have not been made; however, the time limit for making such amendments has NOT expired.
  - d. [ ] have not been made and will not be made.
8. [ ] A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. [ ] An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. [ ] A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**

11. [ ] An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. [ ] An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. [ ] A **FIRST** preliminary amendment.  
[ ] A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. [ ] A substitute specification.
15. [ ] A change of power of attorney and/or address letter.
16. [X] Other items or information: Verified Statement Claiming Small Entity Status

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17. [ ] The following fees are submitted:

**Basic National Fee (37 CFR 1.492(a)(1)-(5)):**

Search Report has been prepared by the EPO or JPO ..... \$860.00

International preliminary examination fee paid to USPTO  
(37 CFR 1.482). ..... \$690.00No international preliminary examination fee paid to USPTO  
(37 CFR 1.482) but international search fee paid to USPTO  
(37 CFR 1.445(a)(2)) ..... \$710.00Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to  
USPTO. .... \$1,000.00International preliminary examination fee paid to USPTO  
(37 CFR 1.482) and all claims satisfied provisions of PCT  
Article 33(1)-(4). .... \$96.00

ENTER APPROPRIATE BASIC FEE AMOUNT = \$860.00

Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20  
[ ] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

Claims	Number Filed	Number Extra	Rate		
Total Claims	58 - 20 =	38	X \$18.00	\$ 684.00	
Independent Claims	26 - 3 =	23	X \$80.00	\$1,840.00	
Multiple dependent claim(s) (if applicable)			+ \$270.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$3,384.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$1,692.00	
SUBTOTAL =				\$1,692.00	
Processing fee of \$130.00 for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$1,692.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be refunded	\$1,692.00
				charged	\$

a. [ ] A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.

b. [X] Please credit my Deposit Account No. 50-0220 in the amount of \$1,692.00 to cover the above overpayment of  
fees. A duplicate copy of this sheet is enclosed.c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 50-0220.NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must  
be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Karen A. Magri  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as  
first class mail in an envelope addressed to Box  
PCT, Commissioner for Patents, Washington, DC  
20231, on November 29, 2000.Marjorie J. Pfeiffer  
Date of Signature: November 29, 2000

SIGNATURE

Karen A. Magri

41,965  
REGISTRATION NUMBER